

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 57341

James F. Smith  
Louise T. Smith

3619 Oak Avenue

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on June 3, 2009, for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-310 (a), failure to remove junk, trash and debris from property on residential property known as 3619 Oak Avenue, 21207.

On April 30, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Ryan Fisher issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$500.00 (five hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 16, 2009 requesting removal of all garbage bags, trash, and lawn debris from the property. This Citation was issued on April 30, 2009.

B. Photographs in the file show bags of garbage and trash piled on the rear porch and on the ground. Re-inspection on June 1, 2009 shows no improvement. This violates prohibitions against accumulation of trash and debris on residential property, and creates possible harborage and food for rats. Garbage must be properly stored in cans with tight-fitting lids. Respondent must remove the junk, trash and debris from the property, and properly store all garbage.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$200.00 (two hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$50.00 (fifty dollars) if Respondent corrects the violations by July 1, 2009. If the Respondent fails to correct the violations, then the full civil penalty shall be imposed.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 10<sup>th</sup> day of June 2009.

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer